

REMARKS

Reconsideration of this application, which comprises claims 3-64 and 66-71 is respectfully requested. Claims 9, 35, 62 and 71 are amended herein. Applicants respectfully submit that the amendments to the claims are supported by the originally filed specification and that no new matter has been added by the instant amendments to the claims.

The Examiner has requested restriction as to claims 3-39, 45-64 and 66-71 (Group I) and claims 40-44 (Group II). Applicants respectfully traverse the restriction requirement.

According to the Examiner, the respective inventions of the Group I and Group II claims are distinct such that the search required for Group I is not required for Group II. Applicants note however that claims 40-44 (Group II) have been in this application, together with the Group I claims (except claim 71) since this application was filed in May of 2006. Since that filing date the Examiner has conducted searches as to all of the pending claims, i.e., claims in both Group I and Group II and has issued two substantive Office Actions dated January 31, 2008 and November 26, 2008 citing prior art. For the Examiner to say in the current Office Action that restriction is required as between Group I and Group II claims because separate searches would be required as to each Group totally ignores the fact that the Examiner has already conducted searches on both Group I and Group II claims.

Applicants do not see why any separate searching and restriction as to Group I and Group II claims is now required.

Accordingly Applicants respectfully request that the Examiner withdraw the restriction requirement. To comply with their obligations, however, Applicants elect the Group I claims, namely claims 3-39, 45-64 and 66-71 should the Examiner persist in his restriction requirement.

The Examiner has also objected to claim 40 saying that there “is no antecedent basis for the limitation”, “the RFID device.” In fact, however, claim 40 was amended in the Preliminary Amendment filed in May 26, 2006 and the substitute Preliminary Amendment filed on March 2, 2007 to depend from claim 35 which first introduces “an RFID device associated with the container.” Accordingly, there is antecedent basis for “the RFID device” recited in claim 40. Applicants note that in a later amendment, the recitation of claim 40 depending from claim 35 was inadvertently not typed, but the claim was not amended. So the bottom line is that pursuant to Applicants’ Preliminary Amendment there is antecedent basis for “the RFID device in claim 40.” And withdrawal of the Examiner’s objection is respectfully requested.

Finally, the Examiner has rejected claims 3-8 and 71 under 35 U.S.C. § 101 based on the reasoning of In re Bilski. But the Bilski case deals with method claims; claims 3-8 and 71 are apparatus claims directed to the “packaging”¹ of Applicants’ invention which includes a container, an RFID device and a closure member. Accordingly, Applicants respectfully submit that the Bilski case provides no basis to reject claims 3-8 and 71 and they request withdrawal of the Examiner’s rejection as to claims 3-8 and 71.

¹ Claim 71 has been amended to correctly refer to the claimed invention as being directed to “packaging” instead of “packing”.

For the sake of completeness, Applicants note that claims 9-16, 35-44, 62-64 and 66-70 are method claims. It is respectfully submitted, however, that none of those method claims violates the holding in *Bilski*.

For example, independent method claim 9 recites in part:

“packaging the monetary objects by stacking them in a plastic transportable and disposable container having a base and sidewalls defining an opening through which the monetary objects can be placed into the container” and “sealing the container with a non-reusable temper-evident permanent closure member after the monetary objects have been stacked in the container to securely confine the monetary objects...” such that access to the monetary object can be obtained only by creating a new opening in the container.”

Thus, the claimed method calls for starting with an article in one state, namely a container having an opening defined by the container sidewalls and through which the monetary objects can be stacked in the container, and transforming it to another state by sealing the container with a permanent closure member after the monetary objects have been stacked in the container to securely confine the monetary objects within the container such that access to the monetary objects can be obtained only by creating a new opening in the container. The container is transformed from an open, easily accessibly container to a securely sealed, permanently closed container. As such, it is respectfully submitted that claim 9 satisfies the “transformation” requirement of *Bilski* and constitutes patentable subject matter.

Claims 10-16 depend from claim 9 and present patentable subject matter for the same reason. Also, independent claims 35 and 62 have been amended in a similar

fashion to claim 9 to clearly recite the “transformation” steps of the invention. And claims 36-44 and 63-64 and 66-70 which depend directly or indirectly from claim 35 or claim 62 also recite the “transformation” step and thus, recite, patentable subject matter.

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

CONCLUSION

Based on the above, Applicants believe that all of the pending claims are allowable and such action is respectfully requested.

AUTHORIZATION

Applicants’ attorney hereby authorizes the charging of any additional fees which may be required for this response, or credit any overpayment to Deposit Account No. 15-0665, Order No. 020305-004011.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: /Joseph A. Calvaruso/
Joseph A. Calvaruso
Reg. No. 28,287

MAILING ADDRESS

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710